

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GERMAINE RAINES,

Plaintiff,

v.

ASSISTANT DEPUTY WARDEN B.D.
CUMMINGS, and CLASSIFICATION
DIRECTOR CORBY DeFOREST, in their
individual and official capacities under
the color of state law,

CIVIL CASE NO. 04-60195
HON. MARIANNE O. BATTANI

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Court having reviewed the Magistrate Judge's Report and Recommendation, filed on August 30, 2005, and no objections having been filed thereto,

IT IS SO ORDERED that the Report and Recommendation is **ADOPTED** and Defendants' Motion to Dismiss is **GRANTED. IT IS FURTHER ORDERED** that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE.**

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: September 28, 2005

CERTIFICATE OF SERVICE

Copies of this Order were mailed to Diane M. Smith on this date by ordinary mail and electronic filing.

s/Bernadette M. Thebolt
DEPUTY CLERK